

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:12-MC-51-BO

TRACY WOODY,	)	
Plaintiff,	)	
	)	
v.	)	<u>ORDER</u>
	)	
WELLS FARGO BANK, NA, et al.,	)	
Defendants.	)	
_____	)	

This matter is before the Court on the Memorandum and Recommendation (“M & R”) of United States Magistrate Judge William A. Webb [DE 2]. The Court ADOPTS the M & R and DENIES the plaintiff’s motion for leave to file [DE 1] and dismisses this action.

BACKGROUND

Plaintiff has submitted numerous frivolous filings to this Court and, therefore, is enjoined from submitting any further filings without obtaining leave to do so. Plaintiff’s instant motion asks for leave to remove a criminal action against her for breaking or entering, and trespass brought in Wake County District Court. Plaintiff also seeks leave to remove her “counter suit” against defendants, which includes, among others, allegations of false arrest, detention, slander and illegal eviction.

DISCUSSION

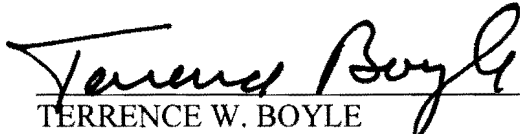
The Court adopts the M & R because Plaintiff has made no objections to it and because the M & R is not clearly erroneous or contrary to law. 28 U.S.C. § 636 (b)(1)(B). A district court is only required to review an M & R *de novo* if the plaintiff specifically objects to it or in cases of plain error. *Id.*; *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). Here, the plaintiff has failed to show federal jurisdiction over the criminal charges against her and, likewise, has failed to show

federal jurisdiction over her civil claims against defendants. As such, plaintiff is not entitled to leave to file from this Court. Therefore, the Court adopts the Magistrate Judge's recommendations and denies plaintiff's motion for leave and dismisses this action.

CONCLUSION

The Court ADOPTS the Magistrate Judge's recommendations [DE 2]. Therefore, plaintiffs' motion for leave to file is DENIED and this action is DISMISSED. The clerk is instructed to close the file.

SO ORDERED. This 19 day of October, 2012.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE